

Bono. 021

~~AMENDMENT TO H.R. 2646, AS REPORTED~~

~~OFFERED BY MRS. BONO OF CALIFORNIA OR~~

~~MRS. HOOLEY OF OREGON~~

(page and line numbers refer to the amendment in the nature
of a substitute)

AMENDMENT No. ____: At the end of title IX (page 354, after line 16), in-
sert the following new section:

1 SEC. ____ COUNTRY OF ORIGIN LABELING OF PERISHABLE

2 AGRICULTURAL COMMODITIES.

3 (a) ESTABLISHMENT OF LABELING REQUIRE-
4 MENT.—The Perishable Agricultural Commodities Act,
5 1930, is amended by inserting after section 17 (7 U.S.C.
6 499q) the following new section:

7 “SEC. 18. COUNTRY OF ORIGIN LABELING OF PERISHABLE

8 AGRICULTURAL COMMODITIES.

9 “(a) NOTICE OF COUNTRY OF ORIGIN REQUIRED.—
10 Except as provided in subsection (b), a retailer of a perish-
11 able agricultural commodity shall inform consumers, at
12 the final point of sale of the perishable agricultural com-
13 modity to consumers, of the country of origin of the per-
14 ishable agricultural commodity. This requirement shall
15 apply to imported and domestically produced perishable
16 agricultural commodities.

17 “(b) EXEMPTION FOR FOOD SERVICE ESTABLISH-
18 MENTS.—

1 “(1) ~~EXEMPTION~~—Subsection (a) shall not
2 apply to a perishable agricultural commodity to the
3 extent that the perishable agricultural commodity
4 is—

5 “(A) prepared or served in a food service
6 establishment; and

7 “(B) offered for sale or sold at the food
8 service establishment in normal retail quantities
9 or served to consumers at the food service es-
10 tablishment.

11 “(2) DEFINITION.—In this subsection, the term
12 ‘food service establishment’ means a restaurant, caf-
13 eteria, lunch room, food stand, saloon, tavern, bar,
14 lounge, or other similar facility, which is operated as
15 an enterprise engaged in the business of selling
16 foods to the public.

17 “(c) METHOD OF NOTIFICATION.—

18 “(1) IN GENERAL.—The information required
19 by subsection (a) may be provided to consumers by
20 means of a label, stamp, mark, placard, or other
21 clear and visible sign on the perishable agricultural
22 commodity or on the package, display, holding unit,
23 or bin containing the commodity at the final point
24 of sale to consumers.

1 “(2) LABELED COMMODITIES.—If a perishable
2 agricultural commodity is already individually la-
3 beled regarding country of origin by a packer, im-
4 porter, or another person, the retailer shall not be
5 required to provide any additional information to
6 comply with this section.

7 “(d) VIOLATIONS.—If a retailer fails to indicate the
8 country of origin of a perishable agricultural commodity
9 as required by subsection (a), the Secretary of Agriculture
10 may assess a civil penalty on the retailer in an amount
11 not to exceed—

12 “(1) \$1,000 for the first day on which the viola-
13 tion occurs; and

14 “(2) \$250 for each day on which the same vio-
15 lation continues.

16 “(e) DEPOSIT OF FUNDS.—Amounts collected under
17 subsection (d) shall be deposited in the Treasury of the
18 United States as miscellaneous receipts.”.

19 “(b) APPLICATION OF AMENDMENT.—Section 18 of
20 the Perishable Agricultural Commodities Act, 1930, as
21 added by subsection (a), shall apply with respect to a per-
22 ishable agricultural commodity offered for retail sale after
23 the end of the six-month period beginning on the date of
24 the enactment of this Act.